

Atty. Docket No. 6002-1032

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Josef WINTER et al.

Confirmation No. 8909

Serial No. 09/868,333

GROUP 1723

Filed June 18, 2001

Examiner Marianne S. Ocampo

A FILTER CARTRIDGE AND PROCESS

DECLARATION UNDER RULE 132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Harold Thomas Krelle, one of the named inventors, am a citizen of Australia, residing at Sunnybank Hills, Queensland Australia, declare that I am assignor of Filter Technology Australia PTY Limited. I am a toolmaker.

I am familiar with the above-identified U.S. patent application and with WO 97/19737 to Lindberg et al. (the "Lindberg Patent").

As noted on the face of the Lindberg Patent, the assignee of that patent is Filter Technology International PTY, LTD. Mr. Lindberg and myself are former co-workers.

Mr. Lindberg had initially designed a metal ribbed canister as described in Australian Patent No. 650,176. Mr. Lindberg brought to Mr. Winter, the other named inventor in the above-identified application, and myself the metal canister with a view to reproducing that canister in plastic.

Mr. Lindberg's design was influenced by the rib



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structure of the metal canister. He thought that effective anti-tracking required relatively large ribs.

Mr. Winter and myself developed the present process to make canisters as disclosed in the above-identified application. However, the original design of Mr. Lindberg could not be made by this process due to the rib structure. In addition, the metal canister of the Lindberg Patent was prone to failure when loaded with a paper roll, whereas the paper could be wound tighter in the design of the present invention.

A disclosure of the disadvantages of the Lindberg Patent is set forth on pages 2 and 3 of the present specification.

Mr. Lindberg perceived that he needed ribs having a same depth as the metal canister. The ribs proposed by Mr. Winter and myself for manufacturing purposes were substantially less than Mr Lindberg's design and more ribs were employed and this proved effective. Accordingly, the assertion noted in the Official Action of August 25, 2003 regarding claim 5 that it would be obvious to one of ordinary skill in the art to modify the height/projection of the ribs to result in enough spacing that the canister could be easily removed from the mold and still inhibit tracking was not obvious to Mr. Lindberg and could not be considered obvious to one of ordinary skill in the art.

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The method underlying the present invention could not make the product of the Lindberg Patent because the depth of the ribs of the Lindberg Patent is too great. Accordingly, one of ordinary skill in the art having the Lindberg Patent before him would not choose ribs that project at 1 mm to 2 mm as recited in claim 5 of the present application.

Therefore, the present invention is believed sufficiently distinguished over the Lindberg Patent.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Declarant's signature


Harold Thomas KRELLE

Date 12 November 2003